

**Security Council**Distr.: General
16 October 2000

Original: English

Report of the Security Council mission to Sierra Leone**I. Introduction**

1. By his letter dated 20 September 2000 (S/2000/886), the President of the Security Council informed the Secretary-General that the Council had decided to send a mission to Sierra Leone from 7 to 14 October. The terms of reference of the mission are annexed to that letter.

2. Following consultations among the members of the Security Council, it was decided that the composition of the mission would be as follows:

United Kingdom of Great Britain and Northern Ireland (Ambassador Jeremy Greenstock, head of mission)

Bangladesh (Ambassador Anwarul Karim Chowdhury, Chairman of the Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone)

Canada (Ambassador Paul Heinbecker)

China (Ambassador Wang Yingfan)

France (Ambassador Yves Doutriaux)

Jamaica (Ambassador Patricia Durrant)

Mali (Ambassador Moctar Ouane)

Netherlands (Ambassador Peter van Walsum)

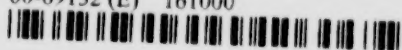
Russian Federation (Ambassador Andrei Granovsky)

Ukraine (Ambassador Volodymyr Yel'chenko)

United States of America (Ambassador James B. Cunningham)

II. Activities of the mission

3. Prior to the departure of the mission, the Security Council met informally with United Nations agencies, non-governmental organizations and representatives of Member States contributing military or civilian police personnel to the United Nations Mission in Sierra Leone (UNAMSIL). The purpose of these meetings was to hear a broad range of views on the situation in Sierra Leone and in the subregion.



Members of the Council also received briefings on the military and security situation in Sierra Leone as well as on the programme for disarmament, demobilization and reintegration. The United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees wrote letters to the mission before departure.

4. The mission left New York on 7 October and visited Guinea (8, 9 and 12 October), Sierra Leone (9-12 October), Mali (12 and 13 October), Nigeria (13 and 14 October) and Liberia (14 October). The Special Representative of the Secretary-General, Ambassador Oluyemi Adeniji, met the mission members at Conakry and travelled with them to all points except Monrovia. In Guinea, the mission met with President Lansana Conté and members of the Guinean cabinet. The mission also met with members of the diplomatic community in Guinea and received a briefing from the representative of the Office of the United Nations High Commissioner for Refugees (UNHCR).

5. In Sierra Leone, the mission held extensive discussions with the Special Representative and senior civilian and military personnel in UNAMSIL. Members of the mission visited various locations where UNAMSIL is deployed — Lungi, Port Loko, Rogberi Junction, Masiaka, Mile 91, Kenema and Daru as well as disarmament, demobilization and reintegration facilities and camps for internally displaced persons and child combatants. The mission held meetings with President Ahmad Tejan Kabbah and senior government officials, with members of the Commission for the Consolidation of Peace, and with representatives of political parties, civil society, United Nations agencies, international non-governmental organizations and members of the diplomatic community.

6. In Mali, the mission held discussions with President Alpha Oumar Konaré, current Chairman of the Economic Community of West African States (ECOWAS), and with senior representatives of ECOWAS countries. In Nigeria, the mission met with President Olusegun Obasanjo and senior members of his Government, with the Minister of Defence and senior defence personnel, as well as with the Executive Secretary of ECOWAS, Lansana Kouyaté and representatives of ECOWAS. Finally, the mission met in Monrovia with President Charles Taylor and received a briefing from the Representative of the Secretary-General in Liberia, Felix Downes-Thomas.

III. Findings of the mission

United Nations Mission in Sierra Leone

7. In accordance with its terms of reference, the mission spent much of its time with UNAMSIL discussing the ways to ensure the full application of the Security Council resolutions on Sierra Leone and the implementation of the measures taken by the Secretary-General to enhance the effectiveness of UNAMSIL. In this regard, the mission found that UNAMSIL had begun to make marked progress after the setbacks and pressures caused by the attacks by the Revolutionary United Front (RUF) against peacekeepers and renewed fighting in May.

8. In the field the mission was impressed by the military professionalism and dedication of the peacekeepers on the ground. The mission was particularly impressed by the excellent work done by UNAMSIL battalions, often using their

own resources, to improve the lives of the people living in their area of operation. In addition to their important peacekeeping tasks, United Nations troops and observers have been voluntarily refurbishing or even starting schools, providing medical assistance, setting up orphanages, sharing food and water with the population, repairing roads and other infrastructure and — to a limited degree — helping to prepare ex-combatants for integration into the economy. In the view of the mission, contingents should be provided with the means to continue this important work through quick impact projects financed through the Trust Fund for Sierra Leone. In addition, it would be useful to deploy more civilian affairs and human rights officers to the areas where UNAMSIL units are established.

9. Members of the mission noted that different contingents had different perceptions of the mandate and tasks of UNAMSIL. To some extent, this stems from national perceptions, but it may also be linked to a lack of precision in elements of the mandate itself. In the view of UNAMSIL, it is for the leadership of the mission to streamline these perceptions into a common view of its mandate and tasks, for example, through regular internal briefings and training programmes.

10. The mission received briefings from UNAMSIL on the implementation of the measures taken by the Secretary-General to enhance the effectiveness of UNAMSIL, as recommended by the assessment team which visited the mission area from 31 May to 8 June 2000. In this regard, UNAMSIL stated that most measures recommended by the assessment team had been implemented on the ground and that, as a result, considerable progress had been made with regard to communication and coordination within the mission, as well as with United Nations agencies and non-governmental organizations. The mission considered, however, that there were still significant shortcomings in a number of areas. It was evident that, in certain cases, implementation of the recommendations of the assessment team had taken place in name but had yet to become reality. The key areas to be addressed are the continued efforts needed to achieve full integration with headquarters, better coordination of the logistic effort and the arrangements for contingent-owned equipment. The mission can confirm that progress is being made. Some areas, however, not least the equipment of troop contributors require action by United Nations Headquarters and the troop contributors themselves. The so-called wet-lease arrangements clearly also need review.

11. The withdrawal of the Indian contingent from UNAMSIL obviously constitutes a serious loss. These very professional soldiers have made an important contribution to UNAMSIL and to civilian life in their areas of deployment. Members of the mission consider that their replacement should be carried out without leaving a security vacuum that could be exploited by RUF. Freedom of movement on the road from Kenema to Daru would facilitate the handover to incoming battalions but would raise the numbers required in that area.

12. The mission noted that the civilian components of UNAMSIL have also made important strides in their work with regard to coordination with their military colleagues. They are understaffed, however. Their staffing should be brought up to authorized levels so that they can contribute fully to the overall work of UNAMSIL, in particular in the areas of human rights, public information and civil affairs.

13. There was general agreement among the mission's interlocutors that the strength of the force needed to be increased in order to deploy in strength throughout Sierra Leone, including the border with Liberia and the diamond-

producing areas. According to several senior military officers in UNAMSIL, this could be done under the terms of the current mandate of UNAMSIL. Other senior defence interlocutors, including the Nigerian Minister of Defence, argued for a more robust mandate. President Obasanjo, as well as Mr. Kouyaté, emphasized that ECOWAS countries stood ready to provide the necessary troops. In the case of Nigeria, such troops could include those units currently being trained and upgraded through the bilateral assistance of the United States of America, although the Nigerian Minister of Defence informed the mission that these units might be used for other purposes, as well as to relieve or augment the number of units currently serving in UNAMSIL, or as part of a mission authorized by ECOWAS. At the same time, the Government of Nigeria was working to procure the necessary equipment to bring its units in UNAMSIL to the required levels of equipment and support. However, this was a slow process which required significant resources.

14. In this regard, President Obasanjo informed the mission that he had made it clear to RUF and its supporters that he was prepared, if necessary, to send Nigerian troops to take over the diamond zones in Sierra Leone. The death of any soldier would, however, be taken extremely seriously by Nigeria. He believed that any such deployment of Nigerian troops would require air cover.

15. President Taylor said that the best way forward would be to revisit the Lomé Agreement. In addition, he felt that a government of national unity should be set up after President Kabbah's term expires. Security in Sierra Leone should be the responsibility of UNAMSIL only. ECOWAS troops should deploy into the diamond areas as soon as possible; it was not necessary to wait for the new troops that were being trained with the assistance of the United States of America. It was important that UNAMSIL stay neutral, only using force when provoked. Once UNAMSIL was deployed, all armed groups in Sierra Leone, including the army, should be disarmed and demobilized. In due course, ex-combatants should be able to apply for the new Sierra Leonean army.

16. Mr. Kouyaté provided members of the mission with a comprehensive assessment of the situation in Sierra Leone and the region. In the view of ECOWAS, the situation in Sierra Leone required a continuation of the two-track approach of military pressure on RUF and, at the same time, a dialogue to convince them to demobilize and cooperate. The alternative to this approach would be military action to seize control of RUF-held territory. To implement the two-track approach, it would be necessary to increase the strength of UNAMSIL, to which end the ECOWAS member States would be ready to contribute troops. With regard to the second, political track, there was a need to establish and maintain a dialogue with the RUF leadership.

Sierra Leone

17. During the mission's meeting with President Kabbah, he and members of his cabinet presented the views of the Government on the areas covered by the terms of reference of the mission. The political aim of the Government was to establish and maintain a free, democratic, independent and united country that was politically and economically stable and sustainable. To achieve these aims, the Government intended to work closely with UNAMSIL and its regional partners.

18. The Government expressed its full support for the draft resolution on UNAMSIL (S/2000/860) and expressed the hope that UNAMSIL would soon receive further well-trained and well-equipped troops, as well as additional command, planning and support elements. The Government would be prepared, with international assistance, to extend democratic and civil administration structures across Sierra Leone. In this regard, it has recently passed legislation and established a government body to fight corruption.

19. The Government briefed the mission on its ambitious plan for the training and equipping, with international assistance, of its armed forces. The aim of the Government was to develop, within a short period, a capacity to extend security more broadly across the country and to exert strong military pressure on RUF. This would depend, to a large extent, on the Government's ability to sustain and support its troops and to provide the necessary leadership. In this particular briefing, members of the mission noted that the Government appeared to place relatively greater emphasis on military pressure on RUF rather than on pursuing a political process. The Government's approach clearly depended strongly on the continued presence of UNAMSIL in the country. The Government had also developed plans to incorporate the Civil Defence Force into a territorial defence force which would serve as an auxiliary to the army. Mission members commented that this would require careful political and military coordination.

20. The Inspector-General of Police briefed the mission. The rehabilitation of the civilian police in Sierra Leone, starting virtually from scratch, was hampered by a serious lack of resources, infrastructure and lack of access to RUF-held areas. However, some progress had been made towards an accountable police force operating on the basis of community policing. The Sierra Leonean police force was working closely with the UNAMSIL civilian police and human rights component.

21. While visiting locations outside Freetown, members of the mission were struck by the deep desire of Sierra Leoneans to lead a normal life in peace and by their commitment to that objective. There also appeared to be a need for the Government in Freetown to establish stronger links with regional and local government structures in areas to which it had access. In Freetown, the mission met with leaders of the 17 political parties in Sierra Leone, the professed desire of which for national unity was not matched by concrete ideas to develop this in practice.

Revolutionary United Front

22. The mission heard a range of views on the current strength and intentions of RUF. The prevailing analysis was that RUF is divided into several groups: it was not certain that its commanders would respect the political leadership of the newly appointed interim leader of RUF, Issa Sessay. Many interlocutors felt that a significant portion of the rank and file of RUF would be willing to disarm but were not allowed to do so by their commanders, who often used brutal methods, including execution, to prevent fighters, including children, from leaving.

23. Most of the mission's interlocutors, including those at the most senior levels, had no doubt that President Taylor exercised strong influence, even direct control, over RUF. In the assessment of many, the main objective of RUF was to maintain control of the diamond-producing areas. Some suspected a continuing latent ambition to seize power by force, although most believed that the imprisonment of

Foday Sankoh had dulled this aspiration and that the presence of UNAMSIL was serving as a deterrent. However, recent redeployments of RUF within Sierra Leone were reportedly linked to incursions into Guinea with the aim of creating instability there. Few doubted that rebels might attempt to take advantage of any power or security vacuum in the west of Sierra Leone.

24. The mission was told of a number of recent contacts with RUF by regional leaders, the ECOWAS secretariat and the UNAMSIL military leadership, as well as contacts by UNAMSIL patrols in the field. Most of the mission's interlocutors, including regional leaders, considered that contacts with RUF should be stepped up while fighting remained at a low level, with a view to establishing a proper dialogue.

25. President Obasanjo did not conceal his view that President Taylor, with whom he would ideally wish to cooperate, was the most difficult factor in the region and exercised control over RUF. It would be important to use a mixture of dialogue (not negotiations, President Obasanjo said, but discussions to build their confidence) and the show of credible force to make RUF demobilize and cooperate with a view towards peace. This would require the transformation of RUF into a political party, for which it would need assistance. In his view, members of RUF would be ready to disarm. To help maintain contact with RUF, President Obasanjo suggested that UNAMSIL establish a small liaison office in Monrovia. This deserves consideration.

26. President Obasanjo informed the mission that he had recently been in touch with RUF. Although the interim leader, Issa Sessay, was present, "Colonel" Gbao and Gibril Massaquoi had been the main spokesmen. RUF had indicated that it would disarm after ECOWAS troops within UNAMSIL were deployed into the diamond areas.

27. In President Taylor's view, most members of RUF wanted peace and its new leadership was prepared to allow the deployment of peacekeepers into its areas and to return United Nations weapons and equipment. President Taylor said that he would be ready to facilitate a meeting to obtain a ceasefire, which could be held at Bamako or Abuja. Following a ceasefire, UNAMSIL, preferably ECOWAS contingents, would be expected to deploy into RUF areas and disarm its combatants. Since RUF had already formed a political party, it should now be encouraged to follow the political path. However, the bulk of the former political leadership was in jail. Therefore, a rapid investigation was needed to determine who was liable for prosecution.

28. In this regard, Mr. Kouyaté said his contacts with RUF indicated that it might be ready to commence a political dialogue. However, it claimed that this would only be possible if the political cadre of RUF were released from prison in Freetown and if funds were made available for their travel to a venue outside Sierra Leone for discussions. Mr. Kouyaté and others made clear that the participation of Foday Sankoh could not in any way be considered. ECOWAS believed that the release of prisoners could not be a condition for talks since RUF had designated an interim leader. Furthermore, Freetown would be the best place to hold meetings. ECOWAS was considering organizing a meeting of the Joint Implementation Committee set up under the Lomé Agreement. It was also hoped that ECOWAS would soon reconvene its committee on a ceasefire for Sierra Leone, which would work towards the earliest possible conclusion of a formal ceasefire agreement.

29. It was the understanding of the Government of Sierra Leone that the Lomé Agreement would require a review, in particular with regard to the participation of RUF in government or public office. Despite the briefing mentioned in paragraph 19 above, the Government overall appeared to remain committed to a two-track approach. This would include maintaining strong military pressure on RUF through the progressive deployment of the Sierra Leone Army and through the presence of UNAMSIL. At the same time, the Government indicated that it would keep open the possibility of contact with RUF, as well as of RUF participation in the political process in due course after it had disarmed and demobilized completely. Also, the Government did not preclude the participation of RUF ex-combatants in the new armed forces of the country, which are being created and trained with international assistance.

30. The view was firmly and frequently expressed within Sierra Leone that the cause of many of the country's problems lay in the support provided to RUF by President Taylor, motivated partly by his own political and security concerns and partly by his interest in profits from diamonds mined in Sierra Leone. The majority of the mission's interlocutors in Sierra Leone appealed to the international community to make every effort to dissuade President Taylor from supporting RUF and causing unrest in the subregion. President Taylor later vigorously denied these activities (see para. 43 below).

31. The mission visited several demobilization camps and held discussions with representatives of the National Commission on Disarmament, Demobilization and Reintegration and the National Commission for Resettlement, Rehabilitation and Reconstruction on the programme of disarmament, demobilization and reintegration. Members of the mission concluded that the programme was a vital element in the peace process. They noted, however, that there was considerable room for improvement in the management and execution of the programme, in particular in the area of reintegration. The absence of viable reintegration plans and programmes had led to the overcrowding of disarmament, demobilization and reintegration camps, which was compounded by the large numbers of dependants that accompanied ex-combatants. Members of the mission suggested enhancing the role of UNAMSIL in the programme, within the limits of its mandate and bearing in mind the Government's ownership of the programme.

Elections

32. President Kabbah informed the mission of his intention to organize elections towards the end of 2001. His present term would expire in February 2001 and, according to the Constitution of Sierra Leone, could be extended by parliament for six months. At the same time, various elements of Sierra Leonean society, United Nations agencies and non-governmental organizations, as well as several of the mission's interlocutors in the region, expressed serious doubts that the environment in Sierra Leone would permit the holding of free and fair elections. Many therefore preferred to see "peace before elections". In this regard, President Obasanjo informed the mission that some Sierra Leonean contacts had expressed to him the need for a three-year transitional government before elections could be held.

Regional dimensions of the crisis

33. From the outset of the mission, when the members were briefed by the diplomatic community and United Nations agencies in Conakry, it became clear that the impact of the conflict in Sierra Leone on the situation in the region was increasing alarmingly. The mission heard from the Presidents whom they met the unanimous message that they were deeply disturbed by the deterioration and were keenly aware of the risks posed by a further spillover of the conflict in Sierra Leone, in particular to Guinea. In their meetings with the mission, the President and Government of Guinea showed deep concern about the attacks from Liberia and Sierra Leone, which had led to the deaths of hundreds of Guineans. In the view of President Conté, echoed subsequently by President Obasanjo, the destabilization of the subregion was being caused by Liberia, with the complicity of others in the region. He denied that Guinea had ever supported Liberian dissidents and he requested that the international community take steps to dissuade President Taylor from this course of action. In his view, there should be no negotiations with the rebels; the best approach would be to defeat them militarily.

34. President Conté welcomed the decision in principle of ECOWAS to deploy troops on his borders, but noted that resource constraints would hamper the implementation of that decision. Guinea therefore suggested that the United Nations assist in their deployment. The establishment of a buffer zone would be an alternative. When asked which role the Mano River Union could play in the conflict, the President answered that it was of little value when two of its member States were in conflict with the third.

35. President Obasanjo suggested that bilateral assistance in providing security along the borders could come from Nigeria and Mali, which would require support from the United Nations. ECOWAS was considering placing observers on the border, as well as a maritime contingent. This could perhaps also be done by the United Nations. He had counselled President Conté to give priority to internal reconciliation. It was vital for the international community to support Guinea since a breakdown in that country would have disastrous results.

36. Within Guinea, the recent statements issued by the Government had generated negative sentiments towards Sierra Leonean and Liberian refugees in the country, the majority of whom had been absorbed without difficulty into Guinean society. The presence of refugees within its borders and the potential influx of additional refugees in the future was clearly putting a heavy strain on the scarce resources available for humanitarian assistance. UNHCR supported the relocation of refugees away from the border, at the request of the Government of Guinea, which would require resources as well as a favourable political environment in Guinea. In spite of these pressures, President Conté assured the mission that he would do his best to provide protection and security for refugees and humanitarian workers.

37. The Government of Sierra Leone, for its part, was deeply concerned that the conflict was now destabilizing the subregion, with serious humanitarian as well as political and economic consequences. They asked for outside assistance to cope with the movements of refugees and internally displaced persons. They also asked for Security Council assistance in strengthening the Mano River Union and its institutions in order to enhance its cohesiveness and the security of its member States.

38. President Konaré stressed that a regional approach needed to be taken in addressing the conflict in Sierra Leone, which also affected Guinea, Liberia and Sierra Leone. In this regard, he proposed that three steps be taken urgently, namely, (a) the establishment of a broad-based partnership involving the United Nations, ECOWAS, the Government of Sierra Leone and major players within the international community, which should formulate and implement a coordination strategy for the subregion aimed at promoting Governments' observance of democratic principles and the rule of law, as well as regional integration; (b) the international community should assist in improving the capacity of ECOWAS to address subregional and regional issues, such as the proposed regional investigation into the illegal trade in Sierra Leonean diamonds; and (c) ensuring the close involvement of the political parties and civil society in the peace efforts in Sierra Leone and other countries in the subregion. President Konaré feared that, should our collective efforts fail, the region would be at the mercy of an "internationale" of destabilization.

39. President Konaré announced three important initiatives being taken by ECOWAS to lower tensions between the Mano River Union member States, namely, (a) the stationing of an ECOWAS political representative in Freetown; (b) the convening in Abuja, on 17 October, under the auspices of President Obasanjo, of a meeting aimed at clarifying the mandate of the Committee of Six on a ceasefire prior to its dispatch to Freetown to obtain a ceasefire agreement between the concerned parties; and (c) the convening in Freetown on 23 and 24 October of a meeting of the Joint Security Committee of the Mano River Union at the ministerial level. President Konaré also announced the forthcoming dispatch of a technical assessment team to look into the deployment of ECOWAS observers along the border between Guinea and Sierra Leone, as well as the deployment of observer teams to various capitals in the region. He requested that international assistance be provided to ECOWAS in these efforts. He stated emphatically that no problem in West Africa could be solved without Nigeria, whose presence in any ECOWAS force was essential. Nigeria should be an active driving force in the region, rather than a regional policeman.

40. Mr. Kouyaté said that the extension of the conflict from Liberia to Sierra Leone and now Guinea was of great concern to ECOWAS member States. Any further extension had to be stopped, which was why ECOWAS had tried to strengthen the Mano River Union. However, there was little or no confidence among the leaders in the Union.

41. Mr. Kouyaté informed the mission of the preparations by ECOWAS to implement its decision to deploy military personnel to the Guinean borders. A small verification team would shortly be dispatched to the area to investigate the accusations and counter-accusations made by Guinea and Liberia. A team of five Malian and five Nigerian officers would thereafter travel to the region to make an assessment of the situation on the ground and of the logistic requirements for a substantial deployment. In view of the limited capacity of ECOWAS, international financial and logistical assistance would be needed to deploy and maintain a force on the ground. It was obvious that no force would be able to completely seal off a 1,000-kilometre border in difficult terrain. The purpose of the deployment of troops at the border would be to deter any incursion by armed groups and thus contribute to stability in the subregion. It would be important to consider how the envisaged ECOWAS presence would coordinate its activities with UNAMSIL.

Diamonds and arms

42. Many of the mission's interlocutors conveyed their concerns about the links among the armed groups operating in the country, the trade in illegally mined diamonds and the influx of weapons into the region. In this regard, the certificate-of-origin regime for rough diamonds that had recently been established by the Government of Sierra Leone would be an important first step towards curbing the contribution of the diamond trade to the instability of the region. The mission was informed that the ECOWAS regional inquiry to investigate the trade in illegal diamonds had yet to be convened and the hope was expressed that the inquiry would cooperate closely with the United Nations panel of experts on this issue.

43. Mr. Kouyaté reminded the mission that ECOWAS had adopted a moratorium on small arms, which would benefit from further support from the Security Council. Obviously, the ECOWAS moratorium could not by itself stop the arms flow, and the supporting action of arms manufacturers and weapon-exporting countries would be essential. When asked by the members of the mission, President Taylor said that his Government was not involved in the smuggling of diamonds and arms and that Governments accusing Liberia of this should come forward with the evidence that supported such accusations. Members of the mission made clear to him the feelings in the region on this matter and warned that the instability and isolation of Liberia could increase if its activities went beyond its legitimate security interests.

Humanitarian aspects

44. The Government of Sierra Leone wanted UNAMSIL to ensure that all parties to the Lomé Agreement observed their obligation to allow the necessary freedom of movement for the delivery of humanitarian assistance. The humanitarian community in Sierra Leone voiced serious concern about the lack of access to the RUF-held areas, which was depriving many Sierra Leoneans of vital support. This was further compounded by the lack of food in these areas, since few people had been able to raise crops in the current farming cycle. With regard to the disarmament, demobilization and reintegration programme, some non-governmental organizations considered that rebuilding communities would help to create incentives for fighters to give up their arms and return home. The mission could not otherwise gauge the humanitarian situation at first hand, but it was clear from the reports they heard that the situation remained extremely serious, especially for women and children.

45. As for the situation in Guinea, the mission gained the clear impression that urgent action would be required by the international community to deal with the presence and movements of refugees and internally displaced persons throughout the subregion. The Government of Guinea had developed a plan to relocate Sierra Leonean refugees away from the border area, for which it would need assistance. It would be important for United Nations agencies to continue to develop a common approach to the humanitarian problems in the region.

46. Guinea assured the mission that it would continue to host and shelter refugees from Sierra Leone in particular, and that it was taking measures to ensure the security of humanitarian workers. However, President Conté considered that all refugees should be screened to identify troublemakers. He called for international assistance for the repatriation of those able to return home, for the movement of

refugees to camps away from borders and for assistance for Guinean internally displaced persons.

Special Court

47. The Government of Sierra Leone referred to the need for an effective information campaign to explain to the public the limits of the powers of the Special Court and the delay in the commencement of its operations. The Government considered that the Court should have powers under Chapter VII of the Charter of the United Nations so as to ensure that it had sufficient authority to try any individual under international and domestic law, including the requirement upon third countries to surrender persons subject to the jurisdiction of the Court. The Government also indicated that it preferred to appoint a co-prosecutor rather than a deputy prosecutor.

48. The Government encouraged the Security Council to expedite its decision on the Special Court so that trials could start in a reasonable time (i.e., six months), since the Government could not hold suspects indefinitely. In the view of President Kabbah, the United Nations should ensure adequate funding and material support for the Special Court, to be provided from assessed contributions, in collaboration with the Government. In general, the Government would be content to abide by the decision of the Security Council on the Court, including on temporal jurisdiction.

49. Several of the mission's interlocutors, in particular non-governmental organizations and civil society, stressed the negative impact of the establishment and jurisdiction of the Court on the minds of ex-combatants who could be more reluctant to come forward to disarm for fear of prosecution. The Truth and Reconciliation Commission, they considered, would be a better alternative for the many child combatants still with RUF. Clear criteria and an effective information campaign, reaching out to this vulnerable group, would be essential to explain the limits of the Court's jurisdiction and the alternative systems available.

50. The possibility that children could be prosecuted by the Special Court was the subject of animated debate in Sierra Leone and there appeared to be no prevailing view. In the view of the Government of Sierra Leone, the Court should prosecute those child combatants who freely and willingly committed indictable crimes. On the other hand, non-governmental organizations and United Nations agencies, especially those engaged in the protection of children, favoured excluding those under the age of 18 years. In Lungi, the mission heard a passionate appeal from a 14-year-old ex-combatant, on behalf of his fellows, not to try any children. Members of the mission made it publicly clear that the purpose was to indict only those persons who bore the greatest responsibility.

IV. Conclusions and recommendations

51. The complexity of problems in Sierra Leone and its neighbours represents an extraordinary challenge, which requires extraordinary action. Since the eruption of the current phase of the crisis, Sierra Leone has been the focus of sustained international attention. The Security Council, other parts of the United Nations system, ECOWAS, the international financial institutions, individual donors and

international non-governmental organizations are all heavily engaged. Each can do and is doing much to address the different aspects of the crisis and its underlying causes. The ideas, energy, commitment and resources are there, but some of the key actors continue to work in unharmonized and, in certain cases, competing directions. Among the Government, ECOWAS and UNAMSIL, and in each of them, we found different perceptions of the reality on the ground, and of policy objectives and the strategy and means necessary to meet them.

52. The mission concluded that the highest priority must be given to the coordination of a comprehensive strategy with clear objectives. Only when all stakeholders — the Government and people of Sierra Leone, the region and the international community — act together through an agreed and interlocking approach will the latent potential for the country and the region to emerge from the current crisis be fulfilled. **Our first recommendation, therefore, is for the establishment of a United Nations-based mechanism for overall coordination (see para. 55 below).**

53. The mission assigns a similar priority to intensifying the momentum of the peace process. Military measures to enhance security in the country and on its borders should be pursued urgently; those intent on continuing the rebellion must be effectively deterred. The current tentative indications of RUF interest in dialogue must, however, be thoroughly and quickly explored. The mechanism for this must take account of a variety of views within RUF, a variety of political actors and a variety of potential channels. **The Special Representative of the Secretary-General might wish to give high and immediate priority to the coordination of active contacts, liaising in particular, beyond UNAMSIL itself, with Presidents Kabbah, Conté, Konaré, Obasanjo and Taylor.** He should keep the Security Council informed.

54. A comprehensive strategy requires action on the following core elements:

(a) **Peace process.** Most of the fundamental principles underlying the Lomé Agreement remain valid. While a return to the status quo ante is not envisaged, the conclusion of an effective ceasefire and the withdrawal of RUF from key areas of the country, in particular the diamond fields, as stipulated in the Agreement, must remain key objectives. A renewed dialogue both with RUF leadership and with commanders and combatants at the local level should be pursued immediately, using the levers and channels with the greatest potential both in the region and in the country. The latest efforts by ECOWAS to resume dialogue with RUF through the Joint Implementation Committee deserve the support of the Security Council and should be coordinated with the Government of Sierra Leone, with the advice of the Special Representative of the Secretary-General. **The process should, inter alia, cover an early ceasefire throughout the territory of Sierra Leone, agreed arrangements for withdrawal, the return of all seized UNAMSIL weapons and equipment, and the opening up of humanitarian and other access in the north and east of the country.** The mission carefully noted suggestions that RUF might now be prepared to permit UNAMSIL deployment into the diamond-producing areas, and thought that this required further exploration, in accordance with the concept of operations set out by the Secretary-General in his report (S/2000/832). The peace process should also focus on disarmament, demobilization and reintegration in order to attract full participation by ex-

combatants in a revived and better funded disarmament, demobilization and reintegration programme (see below). This will, however, also require guarantees from RUF that their cadres can enter it freely and without intimidation;

(b) Special court. In the context of the peace process, the Security Council and the Sierra Leonean authorities will need to reflect carefully before taking any final decisions on the scope of the Special Court (see paras. 47-50 above). The right balance must be struck between the requirements of justice and the need to minimize any potential disincentive to entering the disarmament, demobilization and reintegration process that the threat of prosecution may represent — especially to child combatants. The mission is not otherwise making any direct recommendations on the establishment of the Special Court, since this requires further discussion by the Security Council. The Truth and Reconciliation Commission will be an essential instrument in the wider reconciliation process;

(c) Military aspects. The military track remains an indispensable element of the peace process. Only a sustained and effective military instrument, with the capability to extend its reach throughout the country and following clear political and military objectives, can maintain pressure on RUF and create incentives for dialogue and disarmament. **To meet these challenges, UNAMSIL must be strengthened in terms of numbers, effectiveness and capability, as recommended by the Secretary-General (see S/2000/832), taking advantage of the offers of further troops from, inter alia, ECOWAS countries.** Strong regional involvement on the ground is as critical to the long-term success of the United Nations peacekeeping presence as is strong regional political leadership. At the same time, both within UNAMSIL and internationally, including present and potential troop-contributing countries, there needs to be a complete and thorough understanding of the stance, tasks, mandate and concept of operations of UNAMSIL, and how they work to meet the wider objectives of the Government and people of Sierra Leone, the region and the international community. The combination of firm, proactive peacekeeping, within the flexibility authorized by the resolutions, and the implementation of our broader recommendations can exert a significant impact on a rebellion, many members of which are looking for a road to life without conflict;

(d) Regional dimension. No lasting progress can be made in Sierra Leone without comprehensive action to tackle the current instability in the West African region, in particular in the Mano River Union member countries. Regional leaders were clearly of the opinion that President Taylor's relationship with RUF was a key to the situation in Sierra Leone, and that continued action was necessary to persuade him to use his influence to positive, rather than negative, effect. Illicit trafficking in diamonds and arms, the proliferation and encouragement of thuggish militias and armed groups, and the massive flows of refugees and internally displaced persons resulting from their activities must be addressed directly (the forthcoming report of the panel of experts is expected to provide concrete recommendations on diamonds and arms, and ECOWAS is implementing a well-prepared small arms moratorium). The region, through ECOWAS, is showing encouraging willingness to take the lead, under its current Chairman, in undertaking

specific action in these areas. The international community as a whole must be prepared to act in urgent support, both through material assistance for regional security initiatives and by exerting pressure on those most responsible for fomenting instability for selfish advantage. In this specific context and to help the wider objective of supporting capacity-building within the region, **the Security Council and individual Governments should look positively at what they can do to support the decision by ECOWAS to prepare for and deploy an ECOWAS observer force on the borders of the three Mano River Union member countries, in coordination with UNAMSIL. The Government of Guinea in particular needs encouragement and support to provide access and protection for humanitarian personnel and aid. The Secretary-General should be requested to comment on these regional aspects in his reports to the Council on UNAMSIL. The disturbing situation in Côte d'Ivoire may also need to be watched;**

(e) Disarmament, demobilization and reintegration. A thorough overhaul and reorientation of the disarmament, demobilization and reintegration programme is required. Effective management of the programme and development of the reintegration and rehabilitation elements in particular are vital, for example, through quick impact projects and stimulation of economic activity. Ex-combatants must be processed through the system more quickly and better provision made for their dependants. **The Security Council should give early consideration to whether the balance of responsibilities in the programme among the Government, the World Bank, UNAMSIL and bilateral agencies can be improved, following the publication of the report of the assessment team sponsored by the World Bank. The United Nations should encourage the further cooperation of civil society and non-governmental organizations in making reintegration a reality;**

(f) Role of Government. The primary responsibility for the resolution of the conflict must rest with the Government, Parliament and people of Sierra Leone. No coordinated strategy for the country can be taken forward unless the Government and the people of Sierra Leone themselves feel a sense of ownership of the process and demonstrate the political will to achieve genuine national reconciliation. The Government, with sustained international assistance, can do more to develop and communicate its vision for taking the peace process forward, as well as its strategic planning for economic and social development. Equally, the region and the international community should ensure that the Government of Sierra Leone is consulted at every level of planning and coordination on the future of the country, to help develop this sense of ownership, contribute to economic development, and build capacity and institutions countrywide. The country faces daunting problems in these areas, and the lack in particular of political cohesiveness and of political and administrative structures outside the capital is an alarming consequence of the conflict. **Advice and financial help on a communications and public awareness strategy would be especially useful;**

(g) Human rights and humanitarian assistance. There is growing evidence of hunger and disease in areas to which humanitarian organizations have no current access. **The mission recommends that UNAMSIL and ECOWAS explore with RUF the possibility of access under conditions of adequate security for a needs assessment to be conducted in the areas**

under its control, and for safe access for the delivery of humanitarian assistance thereafter. Abuses of human rights, including rape, physical abuse and extortion, remain widespread, with women and children particularly vulnerable to assault. All components of UNAMSIL, including the military, should accelerate its efforts to work with the Government and civil society to develop an environment of respect for human rights. A high priority should be to raise the awareness in Sierra Leonean society of the need for a concerted conciliation process. **The current vacant human rights posts at UNAMSIL should be filled as soon as possible, and military units reminded of their obligation, within the mandate, to protect civilians, something which is not always happening.** The proposed Human Rights Commission should be established as soon as possible, in cooperation with the Office of the United Nations High Commissioner for Human Rights. Rehabilitation and reintegration programmes should be targeted towards protecting the rights of women and children. The promised Commission on War-affected Children should be established, and the international community should be encouraged to support and assist in the assessment of the needs of the juvenile justice system. The international community should also assist by providing child protection and advocacy experts to serve as required on the staffs of the Special Court and the Truth and Reconciliation Commission.

Overall coordination

55. Together with efforts to develop a comprehensive strategy, there must be an effective, sustainable coordination mechanism in the region to drive and implement it. Current efforts are praiseworthy but inadequate. Consultation on important developments and initiatives is incomplete, and partnership is often more an aspiration than a reality. Further thought should be given to the best format and participation for an appropriate coordination mechanism. **It is clear that, at a minimum, the Security Council and the Secretariat, ECOWAS, UNAMSIL, troop-contributing countries and the Government of Sierra Leone need to consult through some form of continuous structure rather than simply a series of meetings held at regular intervals.** The leadership of ECOWAS is displaying energy and vision, but the organization itself — by its own admission — lacks sufficient resources and expertise to carry forward and implement its initiatives, such as the proposal to place ECOWAS military observers on the borders. **As a key first step, the mission recommends an immediate package of international assistance to help the ECOWAS secretariat to develop its capacity, including the placing of UNAMSIL liaison staff at ECOWAS headquarters.**

56. These are tough messages and demanding proposals, but Sierra Leone is a challenge that the United Nations and the international community as a whole should gather the collective will to meet. It is a small country, rich in natural resources — not the least of which are its resilient and hopeful people, who have been let down too many times by their own leaders and by influences and circumstances beyond their control. We owe it to them to do our utmost together to unlock the doors to the peace, stability and development that they so desperately yearn for and deserve. The Security Council and the international community as a

whole can provide much of the focus and resources needed to help realize that vision; we must continue to show the commitment and resolution to deliver it.

57. Members of the mission pay tribute to the energy, selflessness and courage of all those working on the ground to bring Sierra Leone its peace and sustained stability. The Special Representative and his team and large numbers of UNAMSIL headquarters and field staff, as well as the offices of the United Nations Development Programme in the region and the United Nations Office in Liberia, proposed and executed an impeccable programme for the mission and earned its deep gratitude. The mission expresses the warmest thanks to all those, from heads of State downwards, in five countries, who looked after it with such generous hospitality. The service of the crews of the Royal Air Force of the United Kingdom who flew them safely and comfortably for 17,000 kilometres was especially appreciated. Finally, 11 Ambassadors humbly acknowledge that they could not have accomplished their week's work without the skilful, resourceful and intelligent support of the Secretariat and companion teams.
